

### **REMARKS**

The Office Action mailed December 11, 2008 and reconsideration of the above-identified application, as amended, in view of the following remarks, is respectfully requested

Claims 1-20 are pending and stand rejected.

Claims 1, 4, 10, 11, 14, 18 and 20 have been amended.

Claims 1, 2, 4, 10, 11, 12, 14, 18 and 20 are independent claims.

Claims 1-20 stand rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter. Claims 1-20 stand rejected under 35 USC 102(v) as being anticipated by Gigi (WO 99/59139).

Claims 1-20 stand rejected under 35 USC 101 as allegedly being directed to non-statutory subject matter. More specifically, claims 1-9 stand rejected as being directed to manipulation of an abstract idea without a claimed limitation to a practical application. Claim 10 stands rejected as the specification only discloses software embodiment of the invention making the computer program product just a computer program. Claims 11-17 stand rejected as the various means disclosed in the specification amount to a computer program. Claims 18-20 stand rejected as the various means disclosed in the specification amount to a computer program.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, with regard to claims 1, 4 and 10, applicant has elected to amend the claims to explicitly recite a computer system executing the recited element steps and further to recite that the step involved are directed to determining a center of a windowing function. No new matter has been added. Support for the amendment may be found at least on page 10, lines 25-31 and Figure 10.

However, with regard to claims 11, 14, 18 and 20 applicant submits that these claims are in the form of means plus function and that adequate structural support of the means for performing the recited function may be found at least in Figure 10 and on page 10, lines 25-31. Pursuant to 35 USC 112, sixth paragraph, the recitation of the subject

matter claimed as the invention in means plus function form is acceptable and, as the courts have held, in reciting subject matter in means plus function format merely requires supporting structure be found in the specification. In this case, the specification teaches "a personal computer, which has been programmed to implement the present invention."

Accordingly, applicant submits that the rejection of claims 11, 14, 18 and 20 have been overcome and no amendments need be made to overcome the cited rejection.

For the amendments made to the claims and for the remarks made, herein, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

Claims 1-20 stand rejected under 35 USC 102(b) as being anticipated by Gigi (WO 99/59139). In rejecting claims 1 and 11, the Office Action refers to Gigi '139, page 6, line 6 to page 7, line 12 for teaching the claim element of "determining the phase difference between the speech signal and the first harmonic signal," In rejecting claims 4 and 14, the Office Action refers to Gigi'139, page 8, line 13 to page 9, line 29, for teaching the claim element of "a phase difference between a speech signal and the first harmonic." And with regard to claim 10, the Office Action refers to Gigi '139, page 19, lines 14-32, for teaching a computer program product. In addition, the Office Action refers to page 9, lines 12-19 for teaching the phase difference based on the maximum and the phase zero of the first harmonic of the speech signal.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claim. However, applicant has elected to amend each of the independent claims to recite the determination of the phase difference as being determined based on a maximum of the speech signal and a first derivative of the speech signal. No new matter has been added. Support for the amendment may be found at least in claim 2.

Although, claim 2 has been rejected based on the Gigi '139 reference, it will be shown that that the subject matter rejecting in claim 2 is not disclosed by Gigi '139.

In rejecting the subject matter of cancelled claim 2, the Office Action refers to page 9, lines 12-19, for teaching the claim element of determined a phase difference. Page 9, lines 12-19 refers to Figure 2. However, in reviewing the recited section and Figure 2 ,

Gigi discloses, and illustrates, a plurality of overlapping windows 13a, 13b, 13c centered on signal maximums 11a, 11b, 11c. Gigi further discloses that a pitch duration of L is representative of the pitch period; which for a male voice is in the order of 10 msec and for a female voice is in the order of 5 msec. In addition, Gigi discloses determining an accurate estimate of the pitch value by determining a zero crossing of the highest harmonic within the required frequency band (see page 9, line 32- page 10, line 3). Thus, Gigi discloses determining a maximum and a pitch based on a zero crossing of the highest harmonic to determine the center of the windowing functions.

However, Gigi '139 fails to disclose determining a difference between the maximum and a zero-crossing of a first derivative for centering a windowing function as is recited in the claims.

A claim is anticipated if and only if each and every element of the claim is recited in a single prior art reference.

Gigi '139 cannot be said to anticipate the subject matter recited in each of the independent claims, as Gigi '139 fails to disclose a material element recited in each of the independent claims.

For the amendments made to the claims and for the remarks made herein, applicant submits that the rejection of each of the independent claims has been overcome and respectfully requests that the rejections be withdrawn.

With regard to the remaining claims, each of these claims depends from one of the independent claims, and, hence, is also not anticipated by Gigi '139 by virtue of their dependency upon an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the claims are in allowable form and the issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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